

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application

of \_\_\_\_\_  
Inventor(s)for \_\_\_\_\_  
Title of invention

OR

In re application of: Billy Slabaugh, et al.

Application No.: 10 / 723,417

Group Art Unit: 3673

Filed: 11/25/2003

Examiner: unknown

For: METHODS FOR PREPARING SLURRIES OF COATED PARTICULATES

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR  
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. § 1.97(b))

## CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

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\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(c)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action [8-3]—page 1 of 3)

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**NOTE: 37 C.F.R. 1.98(b):**

- (1) Each U.S. patent listed in an information disclosure statement must be identified by inventor, patent number, and issue date.
- (2) Each U.S. patent application publication listed in an information disclosure statement shall be identified by applicant, patent application publication number, and publication date.
- (3) Each U.S. application listed in an information disclosure statement must be identified by the inventor, application number, and filing date.
- (4) Each foreign patent or published foreign patent application listed in an information disclosure statement must be identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application.
- (5) Each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication.

**WARNING:** No extension of time can be had under 37 C.F.R. § 1.136 (a) or (b) for filing an IDS. 37 C.F.R. § 1.97(f).

**NOTE:** The "filing date of a national application" under 37 C.F.R. § 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 C.F.R. § 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. § 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the basic national fee; (2) a copy of the international application, unless already sent by the International Bureau, and optionally an English translation if filed in another language; and, also optionally (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. The optional items must be submitted later, with surcharges. 37 C.F.R. § 1.97(b)(2).

### **IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT**

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b).

**NOTE:** "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."

**NOTE:** "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 38). See also § 609, M.P.E.P., 8th Edition.

**NOTE:** "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office  
Action [8-3]—page 2 of 3)

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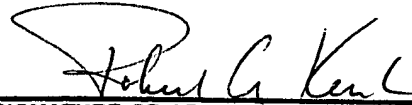
**NOTE:** "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**WARNING:** "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. § 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63). But see § 103(b) and (c), limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d) and in a request for continued examination (RCE) under § 1.114.

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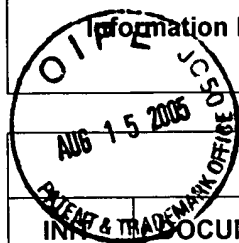
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PTO-1449	Application No. <b>10/723,417</b>	Applicant(s) <b>Billy Slabaugh, et al.</b>	
	Docket Number <b>2003-IP-010444U1</b>	Group Art Unit 3673	Filing Date <b>11/25/2003</b>



### U.S. PATENT DOCUMENTS

INIT.	DOCUMENT NO.	ISSUE/PUB. DATE	NAME	CLASS	SUBCLASS	FILING DATE
	3,857,444	12/31/74	Copeland	166	276	02/02/73
	4,291,766	09/29/81	Davies et al.	166	276	06/02/80
	4,838,352	06/13/89	Oberste-Padtberg et al.	166	291	11/19/87
	4,842,072	06/27/89	Friedman et al.	166	295	07/25/88
	4,936,385	06/26/90	Weaver et al.	166	288	10/30/89
	5,547,023	08/20/96	McDaniel et al.	166	280	05/25/95
	5,712,314	01/27/98	Surles et al.	521	41	08/09/96
	6,152,234	11/28/00	Newhouse et al.	166	403	06/10/98
	6,543,545 B1	04/08/03	Chatterji et al.	166	381	10/27/00
	US 2002/0070020 A1	06/13/02	Nguyen	166	295	12/08/00
	US 2005/0045326 A1	03/03/05	Nguyen	166	278	08/26/03

### FOREIGN PATENT DOCUMENTS

INIT.	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						Yes	No

### NON-PATENT DOCUMENTS

INIT.	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	Date

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EXAMINER	DATE CONSIDERED
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.	